

David Henderson  
Law Office of David Henderson  
3003 Minnesota Drive, Suite 203  
Anchorage, Alaska 99503  
[dh@henderson-law.com](mailto:dh@henderson-law.com)

Jim J. Valcarce  
VALCARCE LAW OFFICE, LLC  
PO Box 409 – 900 3<sup>rd</sup> Ave.  
Bethel, Alaska 99559  
Phone: (907) 543-2744  
Facsimile: (907) 543-2746  
Email: [Jim@bushlawyers.com](mailto:Jim@bushlawyers.com)  
ABA # 9505011

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF ALASKA

MAGDALENE ODINZOFF,  
Plaintiffs,

vs.

UNITED STATES OF AMERICA

Defendants.

COMPLAINT FOR DAMAGES

Case NO: \_\_\_\_\_ Civil

COMES NOW the plaintiff, MAGDALENE ODINZOFF, by and through counsel, Valcarce Law Office, LLC, for her cause of action against defendant, states and alleges as follows:

1. Plaintiff at all times relevant hereto was a resident in the Fourth Judicial District, State of Alaska.

Odinzoff v. U.S.  
*Complaint*

Page 1 of 5

2. Yukon Kuskokwim Health Corporation (“YKHC”) is a compact entity with the U.S. Government, and provides services to Alaska Natives pursuant to its compact with the U.S. Department of Health and Human Services, and at all times relevant to this complaint operated in the Fourth Judicial District, Bethel, Alaska.

3. Hunter Mortensen, at all times relevant to this complaint, was employed by, an agent of, and/or working for YKHC at the time of the collision. At all times relevant to this complaint, Hunter Mortensen was operating an YKHC vehicle and acting within the scope of his employment with YKHC.

4. At all times relevant to this complaint, Mr. Mortensen’s work arose from employment with an agency of the U.S., or otherwise pursuant to 25 C.F.R. 900.192; and he is eligible for Federal Tort Claim Act coverage, pursuant to 28 U.S.C. 2679(d)(1).

5. On or about January 24, 2018, plaintiff ODINZOFF was operating her motorized vehicle on the Eddie Hoffman Highway in Bethel, Alaska, and was stopped, preparing to turn her vehicle.

5. At the same time and place, Mr. Mortenson was operating a YKHC vehicle and driving behind, and towards the plaintiff.

6. As Ms. ODINZOFF was stopped preparing to turn, Mr. Mortenson failed to stop but crashed into and rear-ended the plaintiff’s vehicle, causing damages outlined below.

7. Plaintiff ODINZOFF suffered a compression fracture, personal injury to her spine and back and other damages including but not limited to:

Odinzoff v. U.S.  
*Complaint*

Page 2 of 5

- A. Pain and suffering;
- B. Mental anguish, anxiety and emotional distress;
- C. Loss of enjoyment of life.
- D. Inconvenience;
- E. Loss of subsistence; and other economic and non-economic losses.

8. Plaintiff realleges and incorporates herein as though they were set out in full, all allegations of the preceding paragraphs, and further states as follow:

- 10. Hunter Mortenson was negligent and reckless, including but not limited to:
  - a) Failing to yield;
  - b) Failing to timely apply the brakes in order to avoid colliding with plaintiff;
  - d) Failure to keep a proper look out;
  - c) Operating at an excessive speed;
  - d) Failing to control his vehicle;
  - e) Failing to use due care and caution; and
  - f) Negligence per se.

11. Plaintiffs incorporate, as though they were set out in full, all allegations of the preceding paragraphs of the Complaint, and further allege that YKHC/U.S. is liable for the acts and omissions of Mortenson under 28 U.S.C. 2679(d)(1), as well as under the doctrines of vicarious liability; aid and agency and/or ratification.

Odinzoff v. U.S.  
*Complaint*

Page 3 of 5

12. That as a direct and proximate result of defendant's negligence, plaintiff ODINZOFF suffered damages, as set forth above, and other economic and non-economic damages in an amount to be proven at trial, but in any event greater than One Hundred Thousand Dollars (\$100,000.00), each.

WHEREFORE, Plaintiff ODIINZOFF prays for judgment against defendant as follows:

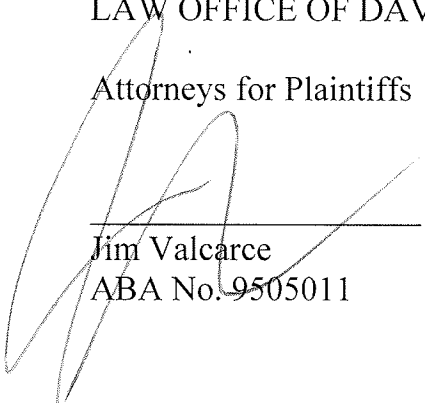
1. All claims for compensatory damages in excess of \$100,000.00 each, the exact amount to be determined at trial;
2. For interest, costs and attorney's fees; and
3. For such other and further relief as the Court deems just and proper.

DATED this 22 day of April, 2019 at Bethel, Alaska.

VALCARCE LAW OFFICE, LLC

LAW OFFICE OF DAVID HENDERSON

Attorneys for Plaintiffs

  
\_\_\_\_\_  
Jim Valcarce  
ABA No. 9505011

  
\_\_\_\_\_  
David Henderson

CERTIFICATE OF SERVICE:

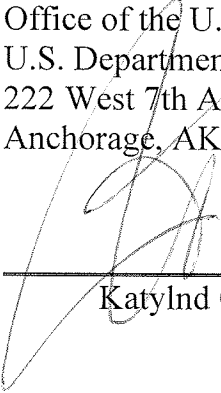
The undersigned hereby certifies that on this 22 of April, 2019, a true and correct copy was served on the following:

Odinzoff v. U.S.  
Complaint

Page 4 of 5

Attorney General  
Office of the U.S. Attorney General  
U.S. Department of Justice  
Main Justice Building  
10th & Constitution Avenue NW  
Washington, D.C. 20530  
U.S. Attorney

Office of the U.S. Attorney, District of Alaska  
U.S. Department of Justice  
222 West 7th Avenue, #9, Room 253  
Anchorage, AK 99513-7567



---

Katyln Collins

VALCARCE LAW OFFICE, LLC  
P.O. Box 409  
Bethel, Alaska 99559  
(907) 543-2744 Telephone  
(907) 543-2746 Fax

Odinzoff v. U.S.  
*Complaint*

Page 5 of 5